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5 Counsel for FRED HJELMESET,  
6 Trustee in Bankruptcy

7  
8 UNITED STATES BANKRUPTCY COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 In re

12 VINH NGUYEN  
13 *aka* VINCE NGUYEN,  
14 Debtor.

Case No. 22-50907 MEH  
Chapter 7  
Hon. M. Elaine Hammond

**SECOND AND FINAL APPLICATION  
FOR COMPENSATION AND EXPENSE  
REIMBURSEMENT  
BY COUNSEL FOR TRUSTEE  
(Rincon Law LLP)**

[Date and Time To Be Set]

18  
19 **TO THE HONORABLE M. ELAINE HAMMOND, UNITED STATES BANKRUPTCY  
JUDGE:**

20  
21 Rincon Law LLP (“Applicant”), counsel to Fred Hjelmset, Trustee in Bankruptcy  
22 (“Trustee”), respectfully represents:

23 **I. INTRODUCTION**

24 **1. Debtor:** On October 4, 2022, Vinh Nguyen *aka* Vince Nguyen (“**Debtor**”) filed a  
25 petition for relief under Chapter 13 of the Bankruptcy Code. The case was converted to a case under  
26 Chapter 7 of the Bankruptcy Code on December 9, 2022.

27 **2. Trustee:** Fred Hjelmset is the duly appointed, qualified and acting Chapter 7  
28 Trustee in Bankruptcy of the Debtor’s estate.

1           **3.     Employment:** On December 13, 2022, the Court authorized the Trustee to employ  
2 the law firm of Rincon Law LLP, effective December 12, 2022.

3           **4.     Prior Compensation:** On July 28, 2023, the Court entered its Order Approving First  
4 Interim Application for Compensation and Expense Reimbursement by Counsel for Trustee (Rincon  
5 Law LLP) as Docket 209, approving interim compensation in the amount of \$38,218 and interim  
6 expense reimbursement in the sum of \$88.15, for total compensation of \$38,306.15, for those  
7 services rendered during the period from December 12, 2022 through June 5, 2023. The foregoing  
8 amounts have been paid.

9           **5.     Current Compensation:** During the course of representing the Trustee from June 6,  
10 2023 through August 1, 2023, Applicant performed the services described in this Application and  
11 the invoice attached to the Declaration of Gregg S. Kleiner filed in support hereof ("**Declaration**").  
12 Applicant also incurred the actual and necessary expenses itemized in the invoice attached to the  
13 Declaration.

14           **6.     Compliance with Guidelines:** Applicant is in compliance with the Guidelines by  
15 the U.S. Bankruptcy Court. Applicant has not charged for word processing costs. In certain non-  
16 bankruptcy matters, if charged, other online research services (including PACER) are charged at  
17 cost. The hourly rates charged by Applicant's bankruptcy attorneys are no less favorable than those  
18 rates charged for non-court appointed services.

19           **7.     2016 Compensation Statement:** This is Applicant's Second and Final Application  
20 for Compensation and Expense Reimbursement. Applicant has not entered into any agreement to  
21 share any compensation awarded with any other person; the source of any award authorized will be  
22 estate funds. Except for payments from the estate authorized by the Court, no payments have been  
23 made or promised to Applicant for services in connection with this case. No compensation received  
24 by Applicant has been or will be shared and no agreement or understanding exists between Applicant  
25 and any other entity for the sharing of compensation received or to be received for services rendered  
26 in connection with this case.

27           **8.     Project Billing:** Applicant has created categories for project billing purposes. These  
28 are identified on Applicant's invoice attached to the Declaration.

1           **9.     Cash on Hand:** See Trustee's Final Report.

2                                   **II.     DESCRIPTION OF SERVICES**

3           During the time period covered by this final application for compensation, Applicant assisted  
4 the Trustee in reviewing e-mails and pleadings filed by the Office of the United States Trustee with  
5 regard to its Section 707(b) investigation of the Debtor.

6           Applicant assisted the Trustee in finalizing his settlement with Peter Pau. Mr. Pau purchased  
7 from the estate its appellate rights in state court litigation. Applicant drafted this final application  
8 for compensation. Finally, Applicant responded to inquiries from creditors and the Trustee with  
9 regard to claim issues.

10          For the above services with regard to administrative matters, Applicant spent 0.5 hours,  
11 incurring \$297.50 in fees.

12          For the above services with regard to the Peter Pau litigation, Applicant spent 0.2 hours,  
13 incurring \$119 in fees.

14          For the above services with regard to the fee application, Applicant spent 0.2 hours, incurring  
15 \$119 in fees.

16          For the above services with regard to claims, Applicant spent 0.3 hours, incurring \$178.50  
17 in fees.

18                                   **III.     ESTABLISHMENT OF FEES**

19          A compensation award based on a reasonable hourly rate multiplied by the number of hours  
20 actually and reasonably expended is presumptively a reasonable fee. *In Re Manoa Finance*  
21 *Company*, 853 F.2d 687, 689 (9<sup>th</sup> Cir. 1988). Establishing a reasonable hourly rate requires  
22 consideration of market rates in the relevant community which are, in turn, at least partly a function  
23 of the type of services rendered and the lawyer's experience, skill and reputation. Applicant's  
24 services in this matter were performed by Gregg S. Kleiner.

25          Gregg S. Kleiner earned his law degree from the University of California, Hastings College  
26 of the Law. After a two-year clerkship with Bankruptcy Judge James R. Grube, Mr. Kleiner  
27 embarked upon a practice which has been limited to bankruptcy and insolvency law. Mr. Kleiner  
28 has extensive experience counseling public and private companies, investor funds, crisis managers,

1 bankruptcy trustees and individuals in myriad legal and business issues related to distressed  
2 businesses. He regularly represents multiple panel trustees in the Northern District of California.  
3 During the period covered by this Application, Mr. Kleiner billed at the rate of \$595 per hour.

#### 4 IV. CONCLUSION & PRAYER

5 In performing its services during the time period June 6, 2023 through August 1, 2023,  
6 Applicant spent 1.2 hours. Applicant believes that the sum of \$714 is reasonable compensation for  
7 those services, calculated on the basis of the hours and hourly rates on the invoice attached to the  
8 Declaration.

9 In addition, Applicant incurred the actual and necessary expenses of \$20.72, as itemized in  
10 the invoice attached to the Declaration.

11 WHEREFORE, Rincon Law LLP, prays for final compensation in the sum of \$714 and  
12 expense reimbursement in the sum of \$20.72, for total compensation of **\$734.72** for the time period  
13 June 6, 2023 through August 1, 2023 and that the prior interim fee award be approved as final.

14  
15 DATED: August 3, 2023

RINCON LAW LLP

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17 By: /s/Gregg S. Kleiner

GREGG S. KLEINER

18 Counsel for FRED HJELMESET, Chapter 7 Trustee  
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TRUSTEE'S STATEMENT RE REVIEW OF FEE APPLICATION

I, Fred Hjelmset, hereby certify that I have read the foregoing fee application of Rincon Law LLP, attorneys for me as Trustee in the bankruptcy case of Vinh Nguyen *aka* Vince Nguyen, Case No. 22-50907 MEH, and I have no objections to the fee application or the fees and costs requested herein.

Dated: August 3, 2023

  
Fred Hjelmset, Chapter 7 Trustee